

IN THE CLAIMS

1-27. (Cancelled)

28. (Currently Amended) A method, comprising:

providing or offering to provide content including at least one program over a data network by from a content provider to a user, a content with a first option to receive the content without advertisement and a second option to receive the content with advertisement, the offering occurring before providing the content and the content excluding advertisement;

prompting the user proximate to the beginning of each program, on a program-by-program basis, to choose whether or not the user wishes to view advertising with that program;

providing the content each program over the data network, from the content provider to the user, based on the received option; and

receiving a choice compensation from the user if the user elects to not view advertising with the program one of the first and the second options the user elects so that the content is not provided over the data network until the user makes the election, wherein

the user is to pay a choice compensation when the user chooses the first option, and

the user is not to pay the choice compensation when the user chooses the second option;

29.(Previously Presented) The method of claim 28, wherein the data network comprises a content display device.

30. (Previously Presented) The method of claim 28, wherein the data network comprises a communication layer, a choice compensation module or a content module.

31. (Currently Amended) The method of claim 29, wherein the content display is displayed

on a device includes including an intelligent television, a computer, a personal digital assistant, or a cellular telephone, or any combination thereof.

32. (Currently Amended) The method of claim 29, wherein the user ~~includes a household or an individual can elect to receive advertising other than advertising which interrupts the program.~~

33. (Previously Presented) The method of claim 28, wherein the choice compensation is determined based on the rating of the content.

34. (Previously Presented) The method of claim 33, wherein the choice compensation is determined based on the viewing habit and/or demography of the user.

35. (Currently Amended) The method of claim 28, wherein the user ~~chooses one of the first and the second options by transmitting transmits~~ the choice over the data network to the content provider.

36. (Previously Presented) The method of claim 28, wherein the choice compensation is a fee payable to the content provider by the user, wherein the fee is determined based on the content offered.

37. (Currently Amended) The method of claim 28, wherein the ~~advertisement advertising to be received with the content offered when the second option is chosen~~ is embedded in the program content.

38. (Previously Presented) The method of claim 28, wherein the user comprises a subscribing individual user or a subscribing user household.

39. (Previously Presented) the method of claim 28, wherein the content is determined based on the user's viewing habit, preference or selection.

40. (Currently Amended) A system for providing content over a data network, comprising:
a content display device for presenting content to a user; and
a content server adapted to be in communication with ~~the~~ a content display device, ~~the~~ content server capable of:

providing or offering to provide content including at least one program to the user over the
~~a~~ data network; ~~the content with a first option of receiving the content without advertisement and a~~
~~second option of receiving the content with advertisement, the offering occurring before providing~~
~~the content, wherein the content excludes advertisement, and~~

prompting the user proximate to the beginning of each program, on a program-by-program
basis, to choose whether or not the user wishes to view advertising with that program;

providing each program to the user based on the received option; and
receiving a choice compensation from the user if the user elects not to view advertising with
the program ~~the content over the data network, from a content provider to the user, based on one of~~
~~the first and the second options the user chooses so that the content is not provided over the data~~
~~network until the user makes the choice, wherein~~

~~the user is to pay a choice compensation when the user chooses the first option, and~~
~~the user is not to pay the choice compensation when the user chooses the second option.~~

41. (Previously Presented) The system of claim 40, wherein the content includes digital content.

42. (Previously Presented) The system of claim 40, wherein the content comprises visual content including video.

43. (Previously Presented) The system of claim 40, wherein the content includes audio.

44. (Previously Presented) The system of claim 40, wherein the content includes radio.

45. (Currently Amended) A machine readable medium having stored thereon instructions that, when executed by a machine, result in the following:

providing or offering to provide content including at least one program over a data network;
~~by from a content provider to a user, a content with a first option to receive the content without advertisement and a second option to receive the content with advertisement the offering occurring before providing the content, wherein the content excludes advertisement;~~

prompting the user proximate to the beginning of each program, on a program-by-program basis, to choose whether or not the user wishes to view advertising with that program;

~~providing each program to the user the content over the data network, from the content provider to the user based on the received option; and one of the first and the second options the user chooses so that the content is not provided over the data network until the user makes the choice, wherein~~

~~the content provider receives from the user a choice compensation when the user chooses the first option, and~~

~~the content provider does not receive the choice compensation when the user chooses the second option~~

receiving a choice compensation from the user if the user elects not to view advertising.

46. (Currently Amended) A method for a content provider, comprising:

providing or offering to provide content over a data network to a user with a first option to receive the content without advertisement advertising and a second option to receive the content with advertising advertisement, the offering occurring before providing the content and the content excluding advertisement;

~~receiving, from the user, a choice of either the first option or the second option that the user elects so that the content is not provided over the data network until the user makes the election;~~

~~providing the content, over the data network, to the user based on the received choice; and receiving a choice compensation if the user elects the first option;~~

wherein the choice compensation is determined based on the supply and demand per user based on the viewing habit and/or demography of the user.

47. (Currently Amended) A machine readable medium having stored thereon instructions that, when executed by a machine, result in the following method, comprising:

providing or offering to provide content, over a data network, from a content provider to a user, with a first option to receive the content without advertisement advertising and a second option to receive the content with advertisement advertising, the offering occurring before providing the content and the content excluding advertisement;

receiving, from allowing the user to select, a choice of either the first option and pay an increased fee for the content or the second option and not pay the increased fee that the user elects

~~so that the content is not provided over the data network until the user makes the election;~~
~~providing, over the data network, the content to the user based on the received choice; and~~
~~receiving a choice compensation if the user elects the first option.~~

48-49. (Cancelled)